

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JEANNE M. IWATA,

Plaintiff,

v.

INTEL CORPORATION and MATRIX
ABSENCE MANAGEMENT, INC.

Defendants.

C.A. No. 04-10536 (WGY)

**DEFENDANTS' MOTION TO DISMISS COMPLAINT
FOR FAILURE TO STATE A CLAIM**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Intel Corporation ("Intel") and Matrix Absence Management, Inc. ("Matrix") (collectively "Defendants") hereby jointly move to dismiss the Complaint of Plaintiff Jeanne Iwata ("Iwata") for failure to state a claim upon which relief can be given.

In support of this Motion, Defendants rely upon the accompanying memorandum of law.

REQUEST FOR ORAL ARGUMENT

Defendants respectfully request that the Court grant oral argument on the Motion, as they believe it will aid the Court in resolving the issues presented herein.

WHEREFORE, Intel and Matrix respectfully request that the Court dismiss the Complaint with prejudice and grant such other and further relief as the Court deems just and proper.

INTEL CORP. AND MATRIX
ABSENCE MANAGEMENT, INC.

By their attorneys,

s/ Robert A. Fisher
Michele A. Whitham, BBO # 553705
Robert A. Fisher, BBO # 643797
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210
(617) 832-1000

Date: May 6, 2004

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Robert A. Fisher, hereby certify pursuant to Local Rule 7.1(A)(2) that on May 6, 2004, I conferred in good faith with opposing counsel in order to resolve or narrow the issues presented in the above.

s/ Robert A. Fisher

CERTIFICATE OF SERVICE

I, Robert A. Fisher, hereby certify that on May 6, 2004 I caused to be served by U.S. mail, postage prepaid, a true and correct copy of the foregoing document upon counsel of record for each other party in this matter.

s/ Robert A. Fisher